

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED F. ORELLANA,
Plaintiff,

v.

OFFICER MAYS; SERGEANT
MILLARD; VASCONCELLOS;
SECRETARY OF CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION,
Defendants.

Case No. [14-cv-03798-JSC](#)

ORDER OF TRANSFER

Re: Dkt. No. 2

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff is incarcerated at the Deuel Vocational Institute in Tracy, California, and complains that he was injured when D.V.I. employees drove negligently when they were transporting him for medical care. Defendants are located at D.V.I. and at the California Department of Corrections in Sacramento, California.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 1 at 4.)

1 to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

2 Plaintiff’s allegations arise out of events occurring in Tracy, and Defendants are
3 located there and in Sacramento. Tracy and Sacramento both lie within the venue of the
4 United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

5 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case
6 is TRANSFERRED to the United States District Court for the Eastern District of
7 California.

8 The Clerk of the Court shall transfer this matter forthwith. In light of this transfer,
9 the Court defers to the Eastern District for ruling on the application to proceed in forma
10 pauperis. The Clerk shall terminate docket number 2 from this Court's docket.

11 **IT IS SO ORDERED.**

12 Dated: September 29, 2014

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14 JACQUELINE SCOTT CORLEY
15 UNITED STATES MAGISTRATE JUDGE
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United States District Court
Northern District of California